

In the
Indiana Supreme Court



IN THE MATTER OF THE)

APPROVAL OF LOCAL RULES)

FOR JOHNSON COUNTY)

Case No.

41500-1305-MS-353

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Johnson Circuit and Superior Courts request the approval of amended local rules for appointment of special judges in accordance with Ind. Trial Rule 79 and Ind. Criminal Rule 2.2, and regulation of court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Johnson Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR41-TR79-063, LR41-CR2.2-089 and LR41-AR15-030 comply with the requirements of Ind. Trial Rule 79, Ind. Criminal Rule 2.2, and Ind. Administrative Rule 15, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Johnson County Local Rules, LR41-TR79-063, LR41-CR2.2-089 and LR41-AR15-030, set forth as an attachment to this Order, are approved effective May 1, 2013, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Kevin Barton, Johnson Superior Court 1, 5 East Jefferson Street, Franklin, IN 46131; the Hon. Cynthia S. Emkes, Johnson Superior Court 2, 18 West Jefferson Street, Franklin, IN 46131-2339; the Hon. Lance Hamner, Johnson Superior Court 3, 5 East Jefferson Street, Franklin, IN 46131-2339; the Hon. K. Mark Loyd, Johnson Circuit Court, 5 East Jefferson Street, Franklin, IN 46131-2339; to the Clerk of the Johnson Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Johnson Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and

attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on May 13, 2013.

A handwritten signature in black ink, appearing to read "Brent E. Dickson", written over a horizontal line.

Brent E. Dickson
Chief Justice of Indiana

LR41-CR2.2-089 Reassignment

- A. **Reassignment Pursuant to District Rule.** In the event a change of Judge is granted, or it becomes necessary to assign another Judge in any felony or misdemeanor proceeding, the procedures of **Indiana Judicial Administrative District Rule DR17-CR-00003** will be followed.
- B. **When Case is Transferred.** If a Johnson County Judicial Officer is selected as Special Judge-the case shall be transferred to the selected Johnson County Court.
- C. **Misdemeanors.** Misdemeanors reassigned to the Johnson Circuit Court, Johnson Superior Court No. 1, or Johnson Superior Court No. 2 in this manner shall be heard by the Magistrate of the Johnson County Circuit and Superior Courts.
- D. **Not a Limitation on Transfers.** This rule is not intended to limit the authority of the Judges to transfer cases between the Courts by agreement of the Judges.

LR41-TR79-063 Appointment of Special Judges in Civil Cases

Appointment of Special Judges in Civil Cases shall be conducted pursuant to **Indiana Judicial Administrative District Rule DR17-TR79-00002**.

LR41 - TR79 - 064. Reserved

LR41 - TR79 - 065. Reserved

LR41 - TR79 - 066. Reserved

LR41 - TR79 - 067. Reserved

LR41 - TR79 - 068. Reserved

LR41 - TR79 - 069. Reserved

RULES FOR COURT REPORTERS

LR41-AR15-028 Scope

These rules apply in the Johnson County Circuit Court; the Johnson County Circuit Court, Juvenile Division; Johnson Superior Court 1; Johnson Superior Court 2; Johnson Superior Court 3; and the Johnson County Magistrate Court.

LR41-AR15-029 Definitions

The following definitions shall apply under these local rules:

- A. **Additional documents** means the documents required by Indiana Rules of Appellate Procedure 28(A) and 29 which are not actually a portion of the text of court proceedings, including, but not limited to, the Title Page, Covers, and Table(s) of Contents.
- B. **Certified** means the process, required by the Indiana Rule of Appellate Procedure 28(B) (or Indiana Rule of Appellate Procedure 7.2, prior to its repeal) by which the Court Reporter states and/or affirms that the Transcript is correct.
- C. **County** means Johnson County, Indiana.

- D. **County Indigent Transcript** means a Transcript that is paid for from County funds and is for the use on behalf of a litigant who has been declared indigent by a Court.
- E. **Court** means the particular Court for which the Court Reporter performs services. Court may also mean all of the Courts in Johnson County.
- F. **Court Reporter** is a person who is specifically designated by the Court to perform the official Court reporting services for the Court, including preparing a Transcript of the record.
- G. **Equipment** means all physical items owned by the Court or other governmental entity and used by a Court Reporter in performing Court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
- H. **Emergency** means a circumstance or situation which creates a need for a Transcript to be prepared in less time than is allowed under the Indiana Rules of Appellate Procedure. **Emergency** does not include those circumstances which result in Insufficient Notice or Short Notice.
- I. **Gap Hours Worked** means those hours worked that are in excess of the regular hours worked but hours not in excess of 40 hours per work week.
- J. **Insufficient notice** means a request for Transcript preparation which does not contain sufficient information and which causes delay in either: 1) the estimations of time for, and cost of, Transcript preparation, or 2) the preparation of the Transcript. Failure to make satisfactory payment arrangements pursuant to Indiana Rule of Appellate Procedure 9(H) may also constitute **insufficient notice**.
- K. **Judge** means the permanent, elected or appointed judicial officer who presides over the Court.
- L. **Overtime Hours** means those hours worked in excess of 40 hours per work week.
- M. **Page** means the page unit of a Transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 28 (or, Indiana Rules of Appellate Procedure 7.2, prior to its repeal). **Page** shall also mean the page unit of the Additional Documents produced by the Court Reporter, in accordance with Indiana Appellate Rules 28 and 29.
- N. **Private Practice** means the recording of a deposition and/or preparation of a deposition Transcript, which is unrelated to Court proceedings.
- O. **Private Transcript** means a Transcript, including but not limited to a deposition Transcript that is paid for by a private party.
- P. **Recording** means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
- Q. **Regular Work Hours** means those hours which the Court is regularly scheduled to work during any given work week. Depending on the particular Court, these hours may vary from Court to Court within the county but remain the same for each work week.
- R. **Short notice** means a request for Transcript preparation which is made less than seven days from the date which the Transcript is needed, i.e. a witness' testimony during jury trial to be used in closing arguments.
- S. **State Indigent Transcript** means a Transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a Court.
- T. **Transcript** means the text of a Court proceeding which is produced in written form pursuant to Indiana Rules of Appellate Procedure 11 and 28 (or, Indiana Rules of Appellate Procedure 7.1 or 7.2, prior to their repeal).
- U. **Work Space** means that portion of the Court's facilities dedicated to each Court Reporter, including but not limited to actual space in the Courtroom and any designated office space.
- V. **Work Week** means a 7 consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

LR41-AR15-030 Compensation

A. Salary Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising Judge during any Regular Work Hours, Gap Hours Worked, or Overtime Hours. The supervising Judge shall enter into a written agreement with the Court Reporters which outlines the manner in which the Court Reporter is to be compensated for Gap and Overtime Hours; i.e. monetary compensation or compensatory time off regular work hours.

B. Charges for Transcript Preparation

1. Unless otherwise noted in this rule, or otherwise provided by specific, written order of the Judge, the per page fee for the preparation of a Certified Transcript is \$ 5.00.
2. The Court Report shall submit a claim directly to the County for the preparation of any County Indigent Transcripts.
3. At the Judge's discretion, a per page fee exceeding \$ 5.00, but not more than \$ 6.25, may be charged for the preparation of a Transcript in cases of Emergency, Insufficient Notice, or Short Notice.
4. The minimum fee of \$35.00 shall be charged for any Transcript of New Whiteland Town Court proceedings which are less than ten (10) pages, if the Transcript preparation also requires the Court Reporter's time to locate the original recording media.
5. The per page fee a Court Reporter may charge for an Uncertified copy of a previously prepared Transcript shall be \$1.00.

C. Charges in Addition to Transcript Preparation

1. Preparation of the Additional Documents required by Indiana Rules of Appellate Procedure 28(A) and 29 shall be compensated at the standard per page fee of \$ 5.00.
2. Binding of the Transcript, Additional Documents, and Exhibits as required by Indiana Rules of Appellate Procedure 28(A) and 29 shall be compensated at the Court Reporter's hourly rate of the annual court Salary, referenced in section 3(A), as determined by the Johnson County Auditor. Such work shall be accounted for and billed in fifteen (15) minute increments.
3. The Court Reporter shall charge for office supplies required and utilized for the binding and electronic transmission of the Transcript, pursuant to Indiana Rules of Appellate Procedure 28 and 29
 - a. The costs for these supplies shall be determined pursuant to the Schedule of Transcript Supplies which shall be published annually by the Judges of Johnson County.
 - b. At the direction of the Judge, the necessary supplies for County Indigent Transcripts may be provided by the Court.

D. Payment Arrangements

1. Pursuant to Indiana Rule of Appellate Procedure 9(H), the party requesting a Transcript shall make satisfactory payment arrangements with the Court Reporter, prior to the commencement of the Transcript preparation.
2. A deposit of at least one half (2) of the estimated cost of the completed Transcript will be required by the Court Reporter before beginning any Transcript.

E. Annual Reporting

1. Each Court Reporter shall report all Transcript fees received for the preparation of either County Indigent or Private Transcripts, at least annually.
2. This report shall be on forms prescribed by the Indiana Supreme Court Division of State Court Administration.

LR41-AR15-031 Choice to Engage in Private Practice

- A. A Court Reporter may elect to engage in Private Practice.
- B. With a written agreement with the Judge, a Court Reporter may utilize the Court's Equipment, Work Space and supplies.
- C. The written agreement between the Judge and the Court Reporter shall, at a minimum, designate the following:
 1. The reasonable market rate for the use of Equipment, Work Space and supplies;
 2. The method by which records are to be kept for the use of Equipment, Work Space and supplies; and
 3. The method by which the Court Reporter is to reimburse the Court for the use of the Equipment, Work Space and supplies.
 4. If a Court Reporter elects to engage in Private Practice, all such Private Practice work shall be conducted outside of Regular Work Hours.

LR41-CR00-162 Priority of Fee Payment

A. Criminal Cases.

1. Pre-trial Diversion. In the absence of specific court order, the fees and costs ordered in Criminal Cases, when an Agreement to Withhold Prosecution has been filed, shall be collected and / or the payments applied in the following order of priority.
 - a. Pre-Trial Diversion fee (I.C. 33-37-4-1 and 33-37-5-17)
 - b. Alcohol and Drug Service fee (33-37-5-8)
2. In the absence of specific court order, the fees and costs ordered in Criminal Cases following conviction shall be collected and / or the payments applied in the following order of priority.
 - a. Probation Administrative fee
 - b. Probation User fee
 - c. Alcohol and Drug Service fee (33-37-5-8)
 - d. Supplemental Public Defender Fee or Public Defender Reimbursement * (I.C. 35-33-7-6)
 - e. Court Costs (I.C. 33-37-4-1)
 - f. Restitution (I.C. 35-50-5-3)
 - g. Safe School fee (I.C. 33 37 5 18)
 - h. Child Abuse Prevention fee (I.C. 33 37 5 12)
 - i. Drug Interdiction fee (I.C. 33 37 5 9)
 - j. Alcohol Countermeasures fee (I.C. 33 37 5 10)
 - k. Domestic Violence fee (I.C. 33-37-5-13)
2. In the event that these specific fees, or any other court ordered fees, are not paid, the Court may enter judgment against the individual and may seek appropriate steps to collect the judgment owed.

B. Juvenile Cases.

1. In the absence of specific court order, the fees and costs ordered in Juvenile Cases following adjudication shall be collected and / or the payments applied in the following order of priority.
 - a. Supplemental Public Defender Fee.
 - b. Probation Administrative Fee
 - c. Probation User Fee
 - d. Community Corrections Programming Fees.
 - e. Alcohol and Drug Service Fee.
 - f. Restitution
 - g. Public Defenders Fee
 - h. Juvenile Detention Fees / Costs.
 - i. Court Costs
2. In the event that these specific fees, or any other court ordered fees, are not paid, the Court may enter judgment against the individual, or the parent or guardian of a juvenile, and may seek appropriate steps to collect the judgment owed.